

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF		
RAYMOND MATTHEWS, ET UX	*	COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING ON		
PROPERTY LOCATED ON THE SOUTH	*	OF
SIDE WILLOW AVENUE, 400' NORTH		
OF THE CENTERLINE OF WILSON	*	BALTIMORE COUNTY
DRIVE (24 WILLOW AVENUE)		
9TH ELECTION DISTRICT	*	CASE NO. 95-14-SPH
4th COUNCILMANIC DISTRICT		
* * * *	*	* * * *

O P I N I O N

This matter comes before this Board on appeal from a decision of the Deputy Zoning Commissioner in which the Petition for Special Hearing for nine apartments in the house at 24 Willow Avenue was denied and a nonconforming use as two apartments was granted with restrictions.

Neither party was represented by Counsel. Appearing as Appellants /Petitioners were Mr. and Mrs. Raymond Matthews, and appearing as Protestants were Susan Gray, Robert Lake, and Joseph Quingert.

Mr. Matthews first testified that he became the property owner in July of 1992, and that when he bought the property from within the family, it contained nine apartments, the addition of which to provide these nine apartments was constructed in 1980. Mr. Matthews clearly testified that he recognized that the nine-apartment use did not meet the regulations for a nonconforming use. He further testified that, in order to maintain equity in the property, he would need three apartments and a caretaker's facility. Mr. Matthews quoted from a notarized affidavit from Jesse R. Sachse, who lived on the site from 1920 to 1939 and was intimately familiar with the property from then on, and who stated that the property had always contained three apartments.

Protestants presented as their only witness Milton Sachse, who

who was born at 24 Willow Avenue and who testified that he lived there until 1943, when he went into the Navy. He further testified that he returned to Willow Avenue in 1946 and lived in the third floor for about 6 months. After he moved in 1946, the third floor was finished as an apartment by the installation of bathroom and kitchen facilities. It was his testimony that his mother lived there from 1920 until 1979 on the first floor which had all the facilities for family living. The second floor was always a full apartment with a private entrance. The third floor had always been considered an apartment, even though it only contained bedrooms, with bathroom and kitchen facilities being added in the summer of 1946.

Also testifying in opposition to the nine-apartment use was Robert Lake who resides at 28 Willow Avenue, who testified he has lived there for 43 years. It was his testimony that the house was always occupied but that he could not positively state that there were two or three apartments, but the entire house was always occupied. He strenuously opposed any consideration given to a nonconforming use for nine apartments.

From the testimony and evidence received, the Board will find as a fact that there is absolutely no justification for the consideration of the nine apartments as a nonconforming use. There is, however, in the Board's opinion justification for consideration for use of the building as a three-apartment use. The only point of occupancy that's in any doubt whatsoever refers to the fact that the third floor apartment was not completed until mid-summer of 1946. From the testimony and evidence received, there is no doubt that the quarters existed as an apartment, albeit with common

kitchen and bathroom facilities from the first floor apartment. The Board is therefore persuaded that 24 Willow Avenue should be granted a nonconforming use as a three-apartment building, with restrictions.

O R D E R

IT IS THEREFORE this 1st day of March, 1995 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve the nonconforming use of nine apartments on the subject property be and is hereby DENIED; and it is further

ORDERED that the Petitioners shall reconvert the subject dwelling to a three-apartment use within forty-five (45) days of the date of this Order; and it is further

ORDERED that a nonconforming use of the subject dwelling as three apartments be and is hereby GRANTED, subject to the following restrictions:


1. Within forty-five (45) days of the date of this Order, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
2. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


William T. Hackett, Chairman


Robert O. Schuetz


Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 1, 1995

Mr. & Mrs. Raymond Matthews
4922 Carroll Manor Road
Baldwin, MD 21013

RE: Case No. 95-14-SPH
Raymond Matthews, et ux

Dear Mr. & Mrs. Matthews:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Ms. Susan Gray
Mr. Robert Lake
Mr. Joseph Quingert
Mr. Milton Sachse
Mr. William McCollum
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
James H. Thompson /Zoning Enforcement
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director/ZADM



IN RE: PETITION FOR SPECIAL HEARING
S/S Willow Avenue, 400' N of
the c/l of Wilson Drive
(24 Willow Avenue)
9th Election District
4th Councilmanic District

Raymond Mathews, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-14-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 24 Willow Avenue, located in the vicinity of Towson in northern Baltimore County. The Petition was filed by the owners of the property, Raymond and Mary Mathews, through their attorney Newton A. Williams, Esquire. The Petitioners seek approval of the use of the subject property as nine (9) apartments, either as a matter of right or as a nonconforming use. The property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Raymond and Mary Mathews, property owners, Vince Moskunas, Professional Engineer, and the Petitioners' attorney, Newton A. Williams, Esquire. Appearing in opposition to the Petitioners' request were numerous residents of the surrounding community. On their behalf, Susan Gray, Joseph Quingert and Bob Lake participated at the trial table.

Testimony and evidence offered revealed that the subject property consists of 0.201 acres, more or less, zoned D.R. 16 and is improved with a three-story frame dwelling containing nine (9) apartments. A brief review of the history of this property is in order. Raymond Mathews testified that he acquired the property from his brother, Dennis, in 1991, at

ORDER RECEIVED FOR FILING

Date

By

9/30/94
[Signature]

which time the dwelling contained nine (9) apartments. He testified that prior to his brother's ownership, the property was owned by a Marie Kindle who purchased the site during World War I. Mr. Mathews testified that his brother, Dennis Mathews, and John Bereska, purchased the property from Ms. Kindle in approximately 1979 at which time the dwelling contained three (3) apartments. He testified that during the 1980s, his brother apparently added six (6) more apartments. To the best of his knowledge, the nine (9) apartments have existed within the dwelling for at least 13 years.

Testimony offered by Milton Sachse revealed that this property was owned by his mother, Marie Kindle from approximately 1920 until 1980 when the property was sold to Dennis Mathews and John Bereska. Mr. Sachse testified that he was actually born in the dwelling in 1920. He testified that the house, which was built in 1911, was built with one apartment on the second floor and that during the time that he resided in the dwelling, his family occupied the first and third floors of the building, while the second floor apartment was rented. Mr. Sachse stated that in 1945, his family renovated the dwelling to create three separate apartments, one on each floor. While Mr. Sachse could relate back to the year 1945, he was unable to establish the month in which the house was converted from two apartments to three apartments. However, he testified that from 1945 until 1980, his family used the property as three apartments, continuously and without interruption. When the property was sold in 1980, only the three apartments existed in the dwelling. Mr. Sachse stated that after the property was acquired by Mathews and Bereska, a three-story frame addition was added onto the rear of the dwelling, and more apartments were created. It was noted that at the present time, there are nine (9) separate apartments within this dwelling.

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Date

By

Additional testimony was offered by both the Petitioners and the many Protestants who appeared at the hearing. While this testimony was important to the community and had a direct bearing on the present day operations within this structure, it was not directly relevant to the history of the use of this property as an apartment building. The issue to be decided by this Deputy Zoning Commissioner is the nonconforming status of those apartments which existed on the property prior to the effective date of the zoning regulations relative to such use. The controlling date in this instance is January 2, 1945.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the date in which a change in the zoning regulations caused the use of the property to become illegal. The controlling date in this case is January 2, 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is

ORDER RECEIVED FOR FILING
Date 9/25/94
By [Signature]

a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

Mr. Milton Sachse was the only witness present at the hearing who could establish the exact number of apartments which existed on the property from 1920 until 1980. Based on his personal observations and by virtue of the fact that he resided in the dwelling and his mother owned the property from at least 1920 until 1980, Mr. Sachse' testimony is seminal in deciding the number of apartments which are permitted to remain within this structure as legal and nonconforming. His testimony was clear and precise. He stated that his family leased the second floor apartment and resided on the first and third floors of the subject dwelling from 1920 until 1945 at which time the three separate apartments were created. However, Mr. Sachse was unable to establish which month in 1945 the third apartment came into being. This Deputy Zoning Commissioner specifically questioned Mr. Sachse as to whether the third apartment was in existence in the year 1944. His testimony was that there were only two apartments existing within the dwelling until some time in 1945 when the third apartment was created.

His testimony is very important in that the Petitioner has the burden of establishing the number of apartments which were in existence prior to January 2, 1945 to prove that a legal, nonconforming use of same as such exists. Mr. Sachse could not remember any more than two apartments existing in the dwelling in 1944 and testified that the third apartment was added some time in 1945. In addition to Mr. Sachse' testimony,

ORDER RECEIVED FOR FILING
9/30/94
CWS
B:

several affidavits were submitted into evidence as Petitioner's Exhibits 3A through 3D; however, these affidavits were not conclusive to establish that a three apartment use of the property existed prior to January 2, 1945. Therefore, inasmuch as the Petitioners can only establish a nonconforming use of two apartments on the property, the relief requested in the Petition for Special Hearing must be denied and a modified relief granted.


Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, a modified relief of the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of September, 1994 that the Petition for Special Hearing to approve the nonconforming use of nine (9) apartments on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall reconvert the subject dwelling to a two apartment use within forty-five (45) days of the date of this Order; and,

IT IS FURTHER ORDERED that a nonconforming use of the subject dwelling as two apartments, be and is hereby GRANTED, subject to the following restrictions:

- 1) Within forty-five (45) days of the date of this Order, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- 2) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 30, 1994

(410) 887-4386

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Willow Avenue, 400' N of the c/l of Wilson Drive
(24 Willow Avenue)
9th Election District - 4th Councilmanic District
Raymond Mathews, et ux - Petitioners
Case No. 95-14-SPH

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Raymond Mathews
4922 Carroll Manor Road, Baldwin, Md. 21013

Mr. Milton B. Sachse, 1634 Belfast Road, Sparks, Md. 21152

Ms. Susan Gray, 334 Ridge Avenue, Towson, Md. 21286

Mr. Joseph J. Quingert, 108 Linden Terrace, Towson, Md. 21286

Mr. Bob Lake, 28 Willow Avenue, Towson, Md. 21286

People's Counsel; File



Petition for Special Hearing

95-14-SPH
to the Zoning Commissioner of Baltimore County

for the property located at

24 Willow Avenue , 21286

which is presently zoned

DR-16

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the existence of nine (9) apartments at 24 Willow Avenue, either as a matter of right, or as non-conforming uses.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

Raymond Mathews

(Type or Print Name)

Raymond Mathews

Signature

4922 Carroll Manor Road

Address

Baldwin MD 21013

City

State

Zipcode

Attorney for Petitioner.

Newton A. Williams

(Type or Print Name)

Newton A. Williams

Signature

210 W Pennsylvania Ave 823-7856

Address

Phone No.

Towson MD 21204

City

State

Zipcode

Legal Owner(s)

Raymond Mathews

(Type or Print Name)

Raymond Mathews

Signature

Raymond Mathews

(Type or Print Name)

Mary Mathews

Signature

Mary Mathews (wife)

4922 Carroll Manor Road

Address

592-7246
Phone No

Baldwin MD 21013

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Name

700 Court Towers

823-7800

Address

Towson MD 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

3 hours
the following date *See sheet in file* Next Two Months

ALL OTHER

REVIEWED BY: *JPD*

DATE

7-15-94

ORDER RECEIVED FOR FILING

Date

By



14

95-14-SPH

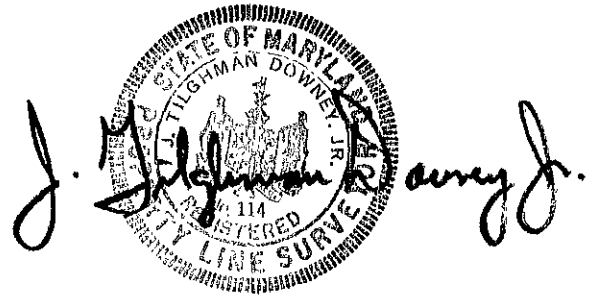
**M&H DEVELOPMENT
ENGINEERS, INC.**

200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21286
(410) 828-9060

124

ZONING DESCRIPTION

Beginning at a point on the south side of Willow Avenue which is 40 feet wide at the distance of 400 feet west of the centerline of Wilden Drive which is 40 feet wide; thence southerly at right angles to Willow Avenue, 175 feet, more or less; thence westerly, parallel to Willow Avenue, 50 feet, more or less; thence northerly 175 feet, more or less to the south side of Willow Avenue; thence easterly 50 feet, more or less, to the place of beginning, being a part of that tract or parcel as recorded in Deed Liber 10358, folio 402, Deed Liber 9254, folio 501 and Deed Liber 9302, folio 210, containing 8,756 square feet or 0.201 of an acre, more or less. Also know as Number 24 Willow Avenue in the 9th Election District.



J. Tilghman Downey, Jr.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

9374-SPT

District: 9th Date of Posting: 7/29/94
Posted for: Special Hearing
Petitioner: Raymond & Mary Mathews
Location of property: 741 Willow Ave, S/S
Location of Signs: Facing roadway on property being zoned
Remarks: _____
Posted by: M. Stealy Date of return: 7/29/94
Signature
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 116, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-14-SFH (Item 12)

24 Willow Avenue
S/W Willow Avenue, 400'
W of of Wilden Drive
9th Election District
4th Councilmanic

Legal Owner(s):
Raymond Mathews and
Mary Mathews

Contract Purchaser(s):

Raymond Mathews
HEARING: THURSDAY,
AUGUST 18, 1994 at 9:00
a.m. in Rm. 106, County Of-
fice Building.

Special Hearing: to approve
the existence of nine (9) apart-
ments either as a matter of
right or as non-conforming
uses.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
887-3353.

(2) For informa-
tion concerning the File and/o
Hearing, Please Call 887-3391.

7/31/1 July 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON



City of Baltimore
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-14-SPH

Account: R-001-6150

Date 7-15-94

Item Number 14

Taken in by: [Signature]

Raymond Matthews
site: 24 Willow Ave (21286)

#040 ——— Commercial - Special Hearing Filing Fee ——— 250.⁰⁰
#080 ——— Sign & posting ——— 35.⁰⁰

\$ 285.⁰⁰

01A01R0006101CHRC

\$285.00

PA 0010:09AM07-15 94

Please Make Checks Payable To: Baltimore County

Cashier Validation

October 13, 1994

Honorable Lawrence Schmidt, Esquire,
Zoning Commissioner
Honorable Timothy M. Kotroco, Esquire,
Deputy Zoning Commissioner
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Gentlemen:

Please enter an appeal to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated September 30, 1994, in Case No. 95-14-SPH.

Our check in the amount of \$210.00 is enclosed payable to Baltimore County, representing \$175.00 for the appeal, and \$35.00 to post the sign on the property.

Thank you.

Very truly yours,


Raymond Matthews


Mary Matthews

cc: Ms. Susan Gray, 334 Ridge Avenue, 21286
Mr. Joseph J. Quingert, 108 Linden Terrace, 21286
Mr. Bob Lake, 28 Willow Avenue, 21286
Peter J. Zimmerman, Esquire, Peoples Counsel
Courthouse, Towson, Maryland 21204
Mr. James Thompson, Zoning Enforcement Supervisor
ZADM, County Office Building, Towson, Maryland 21204
County Board of Appeals
Courthouse, Towson, Maryland 21204

8054C(6)

**RECEIVED
PAYMENT**
10/17/94 HEK
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 450206

DATE October 19, 1994 ACCOUNT R-001-6150

AMOUNT \$ 35.00

RECEIVED Raymond and Mary Matthews
FROM: _____

FOR: Appeal - 95-14-SPH - Sign
24 Willow Avenue

03A03H0357M1CIRC

\$35.00

BA 0011-20AM10-19-94

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 150200

DATE October 19, 1994 ACCOUNT R-001-6150

AMOUNT \$ 175.00

RECEIVED FROM: Raymond and Mary Matthews

FOR: 95-14-SPH-Special Hearing Appeal
24 Willow Avenue

03A03W0356MTCMRC

\$175.00

CA 001142DAM10 19 94

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-14 SPH

District: PH

Date of Posting: 10/25/91

Posted for: Appeal

Petitioner: Raymond E. & Mary Mathews

Location of property: 24 Willow Ave., 21204, 8/5

Location of Signs: Facing roadway on property being appealed
for zoning

Remarks: _____

Posted by _____

Signature

Date of return: 10/18/91

Number of Signs: 1



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 14

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RAYMOND MATHEWS

ADDRESS: 4922 CARROLL MANOR ROAD
BALDWIN MD 21013

* PHONE NUMBER: 592-7246

MUST BE SUPPLIED

1 104/05/93

TO: PUTUXENT PUBLISHING COMPANY
July 28, 1994 Issue - Jeffersonian

Please forward billing to:

Raymond Mathews
4922 Carroll Manor Road
Baldwin, Maryland 21013
592-7246

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-14-SPH (Item 14)
24 Willow Avenue
S/S Willow Avenue, 400' W of c/l Wilden Drive
9th Election District - 4th Councilmanic
Legal Owner(s): Raymond Mathews and Mary Mathews
Contract Purchaser(s): Raymond Mathews
HEARING: THURSDAY, AUGUST 18, 1994 at 9 a.m. Rm. 106 County Office Bldg.

Special Hearing to approve the existence of nine (9) apartments either as a matter-of-right or as non-conforming uses.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 25, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-14-SPH (Item 14)

24 Willow Avenue

S/S Willow Avenue, 400' W of c/l Wilden Drive

9th Election District - 4th Councilmanic

Legal Owner(s): Raymond Mathews and Mary Mathews

Contract Purchaser(s): Raymond Mathews

HEARING: THURSDAY, AUGUST 18, 1994 at 9 a.m. Rm. 106 County Office Bldg.

Special Hearing to approve the existence of nine (9) apartments either as a matter-of-right or as non-conforming uses.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Raymond and Mary Mathews
Newton A. Williams, Esq.
Julie Volker

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 29, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-14-SPH

RAYMOND MATTHEWS, ET UX
S/s Willow Avenue, 400' N of the centerline of
Wilson Drive (24 Willow Avenue)
9th Election District
4th Councilmanic District

SPH -Approval of existence of 9 apartments,
either as matter of right or as nonconforming
use.

9/30/94 -D.Z.C.'s Order in which Petition for
Special Hearing for nine (9) apartments was
DENIED; nonconforming use as two (2)
apartments was GRANTED with restrictions.

ASSIGNED FOR: TUESDAY, FEBRUARY 21, 1995 at 10:00 a.m.

cc: Mr. and Mrs. Raymond Matthews Appellants /Petitioners

Ms. Susan Gray

Protestant

Mr. Bob Lake

"

Mr. Joseph Quingert

"

Mr. Milton Sachse

Mr. William McCollum

People's Counsel for Baltimore County

Pat Keller

Lawrence E. Schmidt

Timothy M. Kotroco

W. Carl Richards, Jr. /ZADM

Docket Clerk /ZADM

Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



CASE NO. 95-14-SPH

Raymond Matthews, et ux - Petitioners

S/s Willow Avenue, 400' W of c/l of
Wilson Drive (24 Willow Avenue)

9th District

Appealed: 10/17/94

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

August 12, 1994

(410) 887-3353

Newton A. Williams, Esquire
210 W Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 14, Case No. 95-14-SPH
Petitioner: Raymond Mathews, et ux
Petition for Special Hearing

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 15, 1994 and a hearing scheduled accordingly.

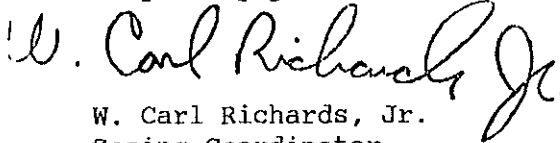
The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) \ The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,


W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 1, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 1, 1994
Item 14

The Developers Engineering Section has reviewed the subject zoning item. The parking lot should be buffered from the adjacent residences.

RWB:sw



Maryland Department of Transportation
State Highway Administration

J. James Lightizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +14 (JJS)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for *DAVID N. RAMSEY, ACTING CHIEF*
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/27/94

Arnold Labien
Director
Planning, Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1107

RE: Property Owner: RAYMOND MATHEWS & MARY MATHEWS

LOCATION: 573 WILLOW AVE., 400' W OF CENTERLINE WILLOW,
(824 WILLOW AVE.)

Legal No.: H 14

Issuing Agency: SELECT BEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED

JUL 28 1994

ZADM

LESTER WILK, L.L. ROBERT F. GYTHROOLD

Fire Marshal's Office, PHONE 887-4001, MAIL STOP

cc: File



BALTIMORE COUNTY, MARYLAND

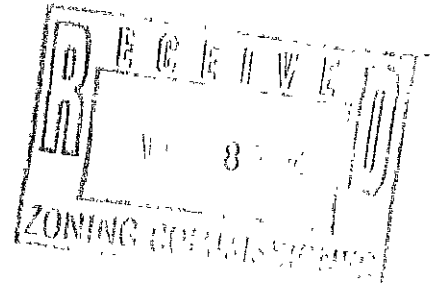
INTER-OFFICE CORRESPONDENCE

Smk
8/18

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

Q



DATE: July 28, 1994

SUBJECT: 24 Willow Avenue

INFORMATION:

Item Number: 14 *Case 95-K-5PH*
Petitioner: Mathews Property
Property Size: _____
Zoning: D.R. 16
Requested Action: _____
Hearing Date: *1/1*

SUMMARY OF RECOMMENDATIONS:

The site is located within the Towson Community Plan area within a Community Conservation Area (Inner Neighborhood). The area contains a mix of owner occupied single-family dwellings and dwellings converted to small 2-3 unit apartments primarily rented to Towson State University students.

The site in question at 24 Willow Avenue is on the Maryland Historical Trust Inventory Site #BA2165. Known as the Mulligan-Kindle House, it was built prior to 1912 and enlarged with a three-story rear addition in 1980-1981.

Since the lot is only 50' X 175' or 8750 sq. ft. in net area, it does not meet the minimum lot width or area standards indicated in Section 402 of the Baltimore County Zoning Regulations. Therefore, the nine apartments are not a use permitted by right since Section 402 requires a 25,550 sq. ft. lot with a lot width of 140'.

As to the issue of non-conforming use, since a major addition was constructed in 1980-1981, it is apparent that at least three of the units are within the addition and could not be considered non-conforming.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol Kerns*

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
24 Willow Avenue, S/S Willow Avenue,		
400' W of c/l Wilden Drive, 9th	*	ZONING COMMISSIONER
Election Dist., 4th Councilmanic		
	*	OF BALTIMORE COUNTY
Raymond Mathews and Mary Mathews		
Petitioners	*	CASE NO. 95-14-SPH
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 18, 1994

Ms. Susan Gray
334 Ridge Road
Baltimore, MD 21286

Mr. Bob Lake
28 Willow Avenue
Baltimore, MD 21286

Mr. Joseph J. Quingert
108 Linden Terrace
Baltimore, MD 21286

Mr. Milton B. Sachse
1634 Belfast Road
Sparks, MD 21152

RE: Petition for Special Hearing
S/S Willow Avenue, 400' N of
the c/l of Wilson Drive
(24 Willow Avenue)
9th Election District
4th Councilmanic District
Raymond Matthews, et ux- Petitioners
Case No. 95-14-SPH

Ladies and Gentlemen:

Please be advised that an appeal of the above-referenced case was filed in this office on October 17, 1994 by Mr. and Mrs. Raymond Matthews. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,

A handwritten signature in cursive script that reads "Arnold C. Jablon".

ARNOLD JABLON
Director

AJ:eah

cc: People's Counsel



APPEAL

Petition for Special Hearing
S/S Willow Avenue, 400' W of c/l of Wilson Drive
(24 Willow Avenue)
9th Election District - 4th Councilmanic District
Raymond Matthews, et ux-PETITIONERS
Case No. 95-14-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to accompany Position for Special
Hearing
2 - 7 Photographs (various views of subject
property)
3a- Affidavit - Kay Ackerman
3b- Affidavit - Dennis J. Matthews
3c- Affidavit - Jesse Robert Sachse
3d- Affidavit - Marie Westfall
4 - 200 Scale Zoning Map
5 - Copies of newspaper articles and copy of
Case No. V93-423-SPH
6 - Towson Plan Update - 1989
Protestant's Exhibits: 1 - Log of zoning violations -
Julie Volker 32 Willow Avenue
Towson, MD 21236

Deputy Zoning Commissioner's Order dated September 30, 1994

Notice of Appeal received on October 17, 1994 from Raymond and Mary
Matthews

cc: Mr. and Mrs. Raymond Matthews, 4922 Carroll Manor Rd. Baldwin,
MD 21013
Ms. Susan Gray, 334 Ridge Avenue Balto., MD 21286
Mr. Bob Lake, 28 Willow Ave., Balto., MD 21286
Mr. Joseph Quingert, 108 Linden Terrace, Balto., MD 21286
Mr. Milton Sachse, 1634 Belfast Road, Sparks, MD 21152
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
James H. Thompson, Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

11/29/94 -Notice of Assignment for hearing scheduled for Tuesday,
February 21, 1995 at 10:00 a.m. sent to following:

Mr. and Mrs. Raymond Matthews
Ms. Susan Gray
Mr. Bob Lake
Mr. Joseph Quingert
Mr. Milton Sachse
Mr. William McCollum
Newton A. Williams, Esquire
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

LAW OFFICES

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES**
J. JOSEPH CURRAN, III
CHRISTINE K. McSHERRY

NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340

(410) 823-7800

TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1960)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL
823- 7856

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN NEW JERSEY

December 5, 1994

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Raymond Matthews and Wife
24 Willow Avenue
Case No. 95-14-SPH set for
Tuesday, February 21, 1995 at 10:00 a.m.

Dear Ms. Weidenhammer:

Please be advised that our office, including myself, no longer represents Mr. and Mrs. Matthews in this or any other matter.

As you noted during our conversation, Mr. and Mrs. Matthews noted their appeal in proper person, and we have advised them that they would be well served to obtain new counsel.

By a carbon copy of this letter directed to Mr. and Mrs. Matthews, we are reminding them of this advice.

With best regards of the season to you and the Board, I am

Sincerely,



Newton A. Williams

NAW:mao

cc: Mr. and Mrs. Raymond Matthews

94 DEC -8 11:12:31

COPIES



Matthews

Item # 12

of FAX
of 7/9/94

Newton
the existence of seven (7) apartments at 24 Willow
Avenue, either as a matter of right or as non-conforming
use(s);

Vince - Please tell Gwen/Charlotte -

NOT to set this case for second week

in August (or) August 31st - Board hearing

or
Sept. 7th - Board hearing

or
Sept. 27th - Board hearing

Thanks, Newton

P.S. Of course, if we can only prove 4 apts.
since 1945, then the owner will be
required to cut back from present 7 units.

the contents of this telecopied information is strictly prohibited. If you have received this
telecopy in error, please immediately notify us by telephone to arrange for return of the
original documents to us.

52678

I may be out of town on Friday, Please check

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT C. CAHILL, JR.
E. BRUCE JONES
GREGORY J. JONES
J. JOSEPH CURRAN, III
CHRISTINE K. McSMERRY

LAW OFFICES

NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340

(410) 823-7800

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(RETIRED 1980)

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(1940-1988)

RALPH C. DEITZ
(1918-1980)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

WRITERS DIRECT DIAL
823

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

TELECOPY COVER PAGE

TELEFAX (410) 296-2765

DATE: July 17, 1994 CLIENT/MATTER NO.: Office
TELECOPIER TELEPHONE NUMBER: 887-5708
TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET):
TO: Mrs. Gwen Stevens and Mrs. Charlotte Minton
FIRM: ZADM
TELEPHONE NUMBER TO CONFIRM RECEIPT: 887-3391
FROM: Newton Williams
RE: Scheduled Board of Appeals Dates
IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL
Newton/Marcie AT 823-7800

Dear Gwen and Charlotte:

Recently Vince of M+N filed the Matthews Case, Item 14, on July 15th. Also, we are reversing a continued case for Harvest Office Building Investors, Case No. 94-436-SPHXA.

I am presently scheduled before the Board of Appeals on August 31st, September 7th, September 27 and 28th, and NOT October 20th. Please do not set a conflicting date, and I would appreciate a CONFIDENTIALITY NOTICE call before setting either

"WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland law."

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

52678

of these cases. Thanks very much, and best regards,
Sincerely, Newton

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: June 7, 1995

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Closed File: Case No. 95-14-SPH
Raymond Matthews, et ux -Petitioners
9th E; 4th C

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

PROTESTANT(S) SIGN-IN SHEET

NAME**ADDRESS**

Cynthia Bradley
Albert Blaize
BOB LAKE
John M. Pura^{III}
Robert Reinard
JOSEPH J. QUINGERT
Samuel Joseph
Susan Gray
JOHN W. McGRATH JR
Lue Cherry
CYNTHIA LINTHICUM
June Zang
William B. Sechase

201 Wilden Drive
47 Willow Ave.
28 WILLOW AVE.
107 Linden Terrace
240 E. Burke Ave.
108 LINDEN Terr. (21286)
217 Wilden Dr.
334 Ridge Ave
34 Willow Ave, 21286
242 E. Susquehanna Ave 21286
238 E. SUSQUEHANNA AVE.
2685. Susquehanna
1634 Belfast Rd 21152
Sparks, Md

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Newton Williams

700 Court Towers 21204

VINCENT J. MISKUNAS

MEN DEV. ENCL.

200 G. JUPPA Rd. 21286

RAYMOND H. MATHEWS

4922 CARROLL MANOR 21013

MARY W. MATHEWS

" " " 21013



Submitted by: Julie Volker
32 Willow Ave
Towson MD 21286
825-0901

Protestants

After experiencing numerous problems with tenants on Willow Avenue, in the summer of 1993 my husband and I began to keep a log of incidents. Most of the complaints that we had were with 22, 24, and 29 Willow Avenue. This is where most of the noise and trash came from.

In order to list all complaints, I'd like to include an incident that occurred during the winter of 1993. It was during the blizzard in February, I believe, and it was very windy and quite cold. I'm sorry I can't remember the specific date. There was quite a lot of noise - screaming and yelling coming from 24 Willow outside, in the back. It was about 11:00 p.m. on a Saturday night. We looked out our window and saw a large fire in the backyard, almost like a bonfire. The wind was very gusty and the flames were climbing dangerously close to trees and nearby houses. We called the Fire Department and they told us that they had already gotten a call about it. Apparently, a few other neighbors had called as well. When the fire trucks came, you could see mostly young men scattering and running up the street and behind the houses, maybe about 10-15 of them. They continued to scream and sing very loudly and would hit cars on the street with their fists as they walked or ran by them. They were wearing jackets with Towson State Lacrosse printed on the back. This continued until after the Fire Department left as well. Anyway, the next day, my husband and I called the coach of the Towson State Lacrosse Team, Carl Runk, and let him know what his team members had been doing the previous evening. He was quite upset and promised to get to the bottom of the story. We also called Ray Matthews, the owner of the property, and complained about

to him about the tenants on his properties. He claimed that he was going to monitor the situation and take action as necessary. He was very noncommittal and did not seem to take our concerns seriously.

List of incidents, Summer 1993:

June 6th There was quite a lot of noise again that night, lots of cars going up and down the street, playing music very loud, and screaming. Sounded like someone was having a party. We were awakened twice that evening - once at 1:30 a.m. and again at 4:30 a.m. Tenants were putting out trash, dropping beer cans and banging metal trash cans on the street. Complaints were also made by neighbor at 28 Willow Avenue - he was also awakened.

June 7th When my husband and I went to work that morning, we noticed that our large ficus tree had been stolen off our front porch. Someone had come onto our porch and heaved the ceramic planter over the railing, breaking it, and carrying off the tree. My husband followed the trail of dirt down the street to 24 Willow Avenue, where it led up a flight of steps. He came back and asked me to call the police and I waited for them. When the policeman came, he went down to 24 Willow Avenue and knocked on all the doors that were at the top of the steps. I believe that there were 7 apartments or doors that led off those steps. After knocking for about 15 minutes, finally a young man opened the door, very groggy, and the officer saw the ficus tree behind him planted in a metal trash can. He brought the young man, Brian Volk, down to our house, where he admitted he stole the tree. He reported being very drunk

and not remembering what exactly had happened the night before. He did not implicate anyone else. The officer asked if we wanted to press charges. As long as he replaced the planter and replanted the tree, we were satisfied.

That same day, I called the Zoning Commission to find out how to go about filing a complaint about the property. I believed that there were too many apartments for the amount of acreage that Ray Matthews had. Also that day, I spoke with both Bill and Dennis Matthews. I told them what had happened and asked them what they planned on doing about it. I explained that my husband and I had a lovely home and wanted to keep it that way. We did not want to have to worry about retribution or harassment for calling the police about this incident. Note: When the bonfire happened in the winter of 1993, one of the tenants at 24 Willow threw a rock the window of the house next door because they believed that they were the ones who called the police. They asked me if I wanted Brian Volk and his roommate evicted and I asked them to give me the assurance that it would not happen again. My husband and I wanted them to monitor the situation more closely. When I had the opportunity to speak with Ray Matthews that evening on the street, he was very rude to me and told me to stop threatening him and telling him what to do with his tenants. He claimed that he had instituted a "no-drinking" policy and was going to check the garbage cans for beer cans to monitor the situation. Ray Matthews does not live on this street, he lives in Baldwin, Md. I don't understand how he can monitor the situation on a daily basis and told him as much. He told me not to worry about it and dismissed my concerns.

June 11th

Called police at 11:30 p.m. because of loud music

and fire in a trashcan in backyard of 24 Willow Avenue. Even though it was the summer and the trees were thick and we had our air conditioner on, we could see the fire shooting up high and could hear the music.

June 12th Tried Ray Matthews at home and received no answer. Finally reached him later that day. Wanted to find out whether he had a chance to speak with the tenants, Chris Cooke and Brian Volk, to reprimand them for stealing our tree and make them aware that he knew about it. He had not had the chance to "catch up" with them yet.

June 14th Filed 2 complaints with Zoning Enforcement. Filed one for 18 Willow Avenue because of open dump and appearance of rooming house. Filed complaint for 24 Willow Avenue because of the number of apartments on property and number of cars on parking lot out back. Case was assigned to Tim Fitts and procedures and processes were explained. Mr. Fitts advised me to keep a log, take pictures and get tag numbers of cars, in order to back up any complaints. Also called the Liveability Department, Wayne Flora, in order to find out how to file a complaint. Finally filed a complaint a few days later for 18 Willow Avenue.

June 15th Woken up at 3:00 a.m. because of noise down the street in front of 24 Willow Avenue. Dog barked incessantly for about 20 minutes and there were people screaming and yelling out in the street.

Unfortunately, my husband and I went away for a few days and when we came back, other matters began to take our attention. I did not

continue with my log the rest of summer, although we have called the police on numerous occasions.

We take great pride in the history and beauty of Willow Avenue and feel that there are already too many renters on the street. The addition of seven apartments at 24 Willow Avenue, to bring the total apartments to nine, would have a major impact on the parking, trash, and traffic on our street. We continue to have problems with noise as well from the rental properties on the street. Please keep in mind that Leo's garage and the cab stand at the bottom of the street (this is just a few properties away from our house) also add to the parking and traffic problems we are currently experiencing. In addition, safety has also become a factor, because cars from these establishments are road-tested (after they are worked on) and are run above the speed limit posted on the street. There are small children that live on Willow Avenue and this creates quite a danger. We are sorry that we could not attend this hearing but prior plans did not allow us to. Thank you for your consideration of our concerns and problems.

ZONING CASE
#24 Willow Ave

What does the Towson
Plan Update have
to say about the old
DR-16 neighborhood

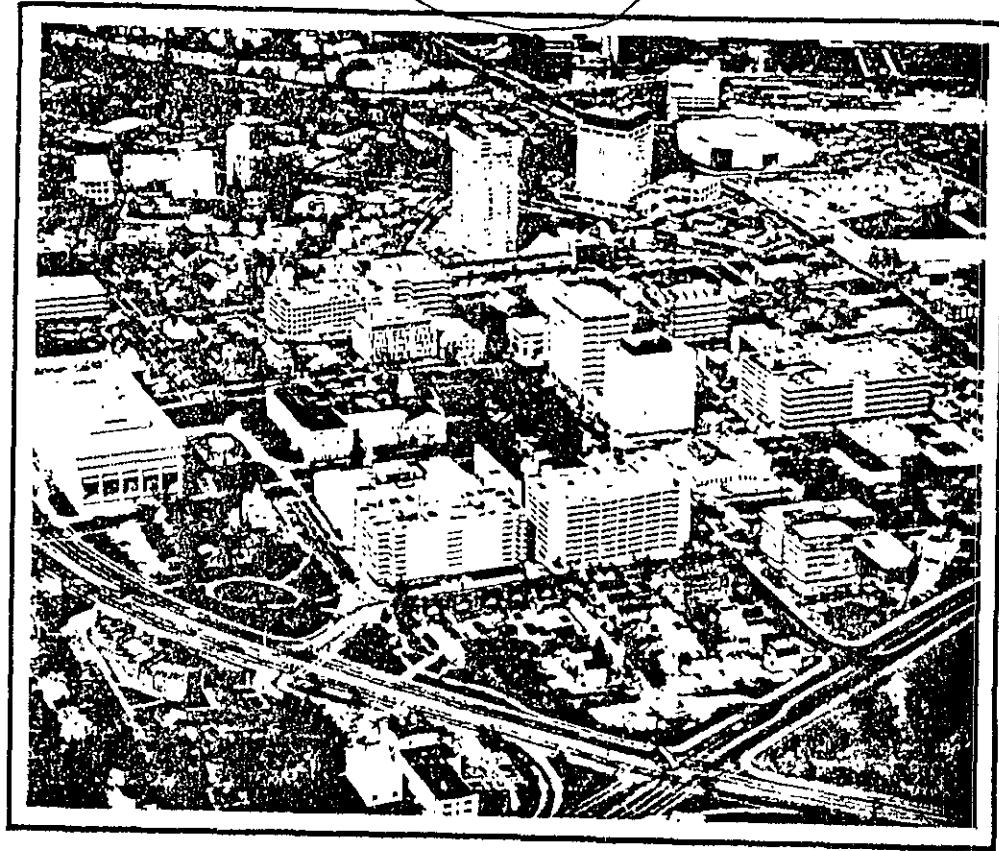
SEE: Towson Plan Update
p. 22 & p. 23, p. 29

PETITIONER'S
EXHIBIT NO. 6

TOWSON PLAN
1988

TOWSON PLAN UPDATE

1989



prepared for

**BALTIMORE COUNTY OFFICE
OF PLANNING AND ZONING**

Towson, MD

prepared by

WALMSLEY & COMPANY, INC.

Landscape Architecture/Urban Design/Planning

with

Erdman & Associates, Inc., Traffic and Transportation Consultants
Legg Mason Real Estate Research, Real Estate Consultants

- Recycling older housing stock (such as the Hampton Apartments and Dulaney Valley Apartments in Towson Park). 3.
- Converting older buildings (such as the Carver Elementary School in East Towson). 4.
- Exploring under-utilized sites for new "infill" living at moderately higher densities, such as a site on East Towson on the north side of Pennsylvania, and East of Fairmount, and a site in West Towson on the north side of West Joppa and west of Bosley. 5.

New housing should be pegged to an appropriate density and have other restrictions on a site by site basis to protect neighborhood scale, character and landscape quality. Current zoning does not seem to offer this protection when a site is upgraded from a DR classification to an RAE classification. Convenience commercial, which is currently allowed as part of RAE, is perceived as very threatening to neighborhoods. A new zoning district and/or Covenant Agreements to meet this concern are discussed more fully under "Zoning", starting at p. 25. 6.

Commercial parking infiltration into neighborhoods is a continuing concern and enforcement of regulations to prevent this is an ongoing requirement. Through traffic in neighborhood streets has been a problem in Towson Manor which, to the extent possible, can be moderated by emphasizing perimeter streets such as Hillen Road and East Burke Avenue as two-lane minor arterials, feeding into the primary arterials of South York Road and Towsontown Boulevard. 7.

Neighborhoods unanimously want to hold the line on CT District Boundaries and preserve the R-O Transition Zones. Despite the small Class A and B office buildings allowed, most neighborhoods are satisfied with this "buffer" zone and want it maintained. Towson Manor would like its buffer zone on the south side of Towsontown Boulevard to be developed with small office buildings to replace the old County warehouses.

Most neighborhoods would like a better pedestrian linkage to the core. This can be accomplished with "promenade" streets, pedestrian ways and designated pedestrian crossings of the Ring Road more fully discussed under the "The Pedestrian", starting on p. 59.

RECOMMENDATIONS

1. Maintain the integrity of neighborhoods by preventing the intrusion of commercial uses and commercial parking.
2. Hold the CT District boundaries and maintain the R-O buffer zones as a transition from busy commercial streets to the neighborhoods.

artments and

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owson on the

have other
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to an RAE
owed as part
new zoning
discussed more


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requirement.
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zones as a

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3. Continue parking enforcement in neighborhoods and discourage through traffic, to the extent possible.
 4. Encourage opportunities for appropriate "infill" housing, subject to the necessary zoning changes and/or covenant agreements to protect neighborhood scale, character and landscape quality.
 5. Consider opportunities for recycling older housing, subject to the necessary safeguards for existing older residents to remain or be relocated in acceptable substitute accommodation.
 6. Preserve and maintain in each neighborhood a high level of streetscape and street tree planting.
 7. Improve pedestrian linkages from neighborhoods to the core.

PETITIONER'S
EXHIBIT NO. 5

ZONING CASE

24 Willow Ave.

NOTE: precedent mentioned
in Garage zoning case # V-93-423-SM
(C/92/1396).

Deputy Zoning Commissioner
Tim Kotroco in fairness said:
"I'm reluctant to hold the sins of previous
owners ... against the current owners."

Towson Times Sept. 15, 1993
p. 16 : Reporter: Lori Ingraham

Case # C/92/1396
SEE : Towson Times article Sept. 15, 1993
• Towson Times article Oct. 20, 1993 p. 16

Garage to stay; "residents" fume

BY LONI INGRAHAM

■ Despite a recent ruling, the use of a large garage in Towson Manor Village is still being debated.

For Towson Manor Village residents and Baltimore County zoning officials, it's Excedrin Headache #104 — as in 104 E. Susquehanna Avenue.

It is the large commercial-size garage that was built 16 years ago behind the residence at 104 E. Susquehanna, a garage that exceeded size limitations for a residential area and never should have been built, according to the Towson Manor Village Association.

In fact, the county Board of Appeals in 1982 said it resembled a warehouse more than a garage,

since it was 38 feet wide, 15 feet high and had a 12-foot wide door at one end.

After a hearing last month, deputy zoning commissioner Tim Kotroco ruled last week that the current owners of the house could continue to use the garage for the storage of their nine vehicles and motorcycles. He knew the neighborhood was not going to be happy with his decision, he said Monday.

True to form, the man next door, Norman Walters, is seeing red. He has suffered from the noise from the repairs that have been made in that garage through various ownerships during the last 16 years, he says.

Community association spokesman Carey Kelley is claiming that somebody in the county is covering something up.

Kotroco himself is claiming

ZONING
CASE # C/92/1396
1993

that the county's office of Zoning Administration and Development Management screwed up a petition.

And ZADM head Arnold Jablon is claiming Kotroco is "just passing the buck."

About the only person pleased with Kotroco's ruling is Tim Street, the lawyer who represented the owners of the garage at a hearing last month.

On behalf of Ray Rachuba and Charles Goldsboro, who purchased the property last February, Street said, "It looks like the neighbors had their say and we had our say and he ruled in our favor. We're pleased."

There is no brief history to the garage, but has been a thorn in the side of local residents since it was built by the contractor who lived there 16 years ago.

They claim it exceeded the

12-foot height stipulated by the building permit and has been used for commercial purposes, which is a violation of residential zoning laws.

Kelley claims the very existence of the building is illegal, and how the owners used it was not the issue.

Kotroco said he could only rule on the petition that was handed him, which concerned only current usage. Since the owners used the garage only for the storage of their own vehicles, their use of the building was legal, he said.

He could not rule on the legality of the building itself because the petition that ZADM drafted for the community did not address that issue.

But Jablon says Kotroco should have ruled on the legality issue. "If he wants a new peti-

tion, we'll file one," he said.

However, Jablon cautioned, a Board of Appeals ruling in 1982 overturned a former deputy zoning commissioner's ruling that said the roof was too high. That ruling, established the legality of the structure, may be a tough legal hurdle for the community to overcome, he said.

Meanwhile, Kelley claims that since the building exceeded the 12-foot height in the building permit that it should have been torn down in the beginning.

"It's a blatant violation of the law and the county is saying this is OK," he said. "This is a perfect example of how the county is not working to handle the zoning cases that impact the lives of residents who pay their wages."

Kelley plans to pursue the legality issue, as well as appeal Kotroco's decision.

ZONING
CASE #
V-93-423-SPH
(C/92/1396)
104 E. Susquehanna
9th Election District
4th Councilmanic
Owner:
L. Ray Rachuba

Hearing 9/7/93
J. M. 8/94

* Joe Quigley
Tele: 108 Linden Terr
3211269 Towson 21286

Neighborhood continues fight against garage

BY LONI INGRAHAM

The villain in the piece seemed obvious during a zoning hearing last week, when Baltimore County deputy zoning commissioner Tim Kotroko was asked if the owners of a commercial-size garage in Towson Manor Village could continue storing nine vehicles in a residential neighborhood.

The culprit was Baltimore County government, according to Towson Manor Village residents.

They say the county knew that the 1,200-square-foot masonry garage behind the house at 104 Susquehanna Ave. exceeded the county's height limitations since it was built 16 years ago. But the county never forced the owner into compliance.

And now, two owners later, the neighborhood is stuck with a garage that is 16'5" feet high, according to the contractor who built it; 15'2" high, according to the same contractor after he plowed dirt up against it to make it look lower after the county ruled it illegal in 1980; and 14' high, according to one of its current owners, who admits he never measured it. (Towson Manor Village is willing to go with the 15'2" figure — which is two inches over the current limit.)

And the repairs that have taken place in that garage or in its driveway have produced enough noise through the years to drive the neighbors to distraction.

"It's bad, really bad," says immediate neighbor Norman Walters, who says the original owner ran a contracting business out of the structure and housed dump trucks and steam rollers in it before he sold the property to a couple who rented the garage out to other automobile owners.

The current owners — Ray Rachuba and Charles Goldsborough, who purchased 104 last February — want to continue storing six vehicles and three motorcycles there, as they have since 1988, when Rachuba rented the garage.

They say they own all of the

'It's been in and out of court for 16 years. By law, it's too tall. Looking at it, it's too tall. Fix it whatever way the law requires.'

*Carey Kelly
Towson Manor
Village*

vehicles — some are vintage stock; they do not race them; they do not use them for commercial purposes and they do not rent out space to other owners or perform work on other cars.

But the Towson Manor Village folks say questions of use aside, that the garage shouldn't be there in the first place.

"It's been in and out of court for 16 years," said Towson Manor Village resident Carey Kelly, who has spent their last year trying to resolve the problem. "By law, it's too tall. Looking at it, it's too tall. Fix it whatever way the law requires."

Speaking on behalf of Walters and other residents, the Rev. Kyle Kermit Kneen said the failure of the county to address the illegality of the garage is symbolic of what is going on in Baltimore County.

"People are ready to throw up their arms," he said. "There is not much we can do to have a say about our lifestyle and our environment. We are powerless to control our own destinies."

Kotroko, expressing a reluctance to hold the sins of previous owners of the garage against the current owners, acknowledged that the case was a tough one. "How would you have me fix it?" he asked Rev. Kneen.

"Fervent prayer," Kneen said.

"A lot of people have already tried that and it hasn't worked," replied Kotroko. He will issue a decision in two weeks.



You Loved Us at Golden Ring...

**Now Opening October 1st
at Towson Marketplace**

A Lil' Bit Country
CHRISTMAS STORE

Featuring Gifts With a Country Flair.



IN RE: PETITION FOR SPECIAL HEARING
104 E. Susquehanna Avenue
9th Election District
4th Councilmanic District

L. Ray Rachuba and
Charles Goldsboro - Owners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. V93-423-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the Zoning Administration and Development Management Office (ZADM) as to the use of a garage on the subject property, which is located at 104 East Susquehanna Avenue in Towson. Said property is improved with a single family dwelling and garage which is located to the rear of the dwelling. Pursuant to the authority found in the Baltimore County Zoning Regulations (B.C.Z.R.), the owners of the property were summoned to appear before this Deputy Zoning Commissioner for this special hearing.

The residents of this community allege that violations of the B.C.Z.R. exist on this property and have asked for a ruling on the following issues which were noted within the Petition for Special Hearing: The legality of storing of six (6) vehicles and three (3) motorcycles on site; whether such vehicles are "commercial" in nature; whether the use of the accessory building (garage) is serving the residential use of the principal structure on the property, to wit, the dwelling; and whether such storage complies with the restrictions imposed in the Order issued by the Board of Appeals in Case No. 81-60-V, dated May 13, 1982.

Appearing in response to the summons issued were I. Ray Rachuba and Charles Goldsboro, owners of the subject property. The owners were represented by Timothy Ryan Street, Esquire.

Messrs. Rachuba and Goldsboro offered testimony concerning the use of their property. Mr. Rachuba testified that he is part owner of the subject property. He testified that there have been no changes to the garage and that this building is in the same structural condition as it existed at the time of his purchase of the property. Mr. Rachuba testified that he and Mr. Goldsboro, co-owner, currently store six (6) automobiles and three (3) motorcycles inside the garage. He stated that none of the space within the garage is rented out for public storage and that all of the vehicles stored therein belong to either himself or Mr. Goldsboro. Mr. Rachuba testified that many of the vehicles are of show quality. He stated that they are expensive vehicles which must be stored in the garage so that they are not exposed to various adverse elements and inclement weather. Mr. Rachuba testified that no mechanical work is performed on the site.

Mr. Goldsboro next testified. He stated that he is co-owner of the subject property and that he resides in the dwelling thereon. He testified that he also has two room-mates who are students at Towson State University. Mr. Goldsboro testified that all of the vehicles stored in the garage are residential vehicles and that none are commercial. He testified that no mechanical work is performed on the premises and that no one pays for the storage of any vehicles at this site. He further testified that the only maintenance of the vehicles which takes place on the site is washing and waxing.

Many of the residents of the surrounding community appeared and testified in opposition to the subject garage. Mr. Carey Kelley, a resident of the area and community activist, called into question the legality of the structure itself. Mr. Kelley believes that when the former owner of the property, Mr. Warren Dykes, built the garage, he ignored the building permit which allowed for a building height of 12 feet. Mr. Kelley stated that the garage is taller than 12 feet and is therefore, illegal and does not comply with the B.C.Z.R.

Also testifying on behalf of the residents and in opposition to the garage was Rev. K. Kyle Kneen. Rev. Kneen testified that he is very much concerned about Mr. Norman Walters who resides adjacent to the subject garage. Rev. Kneen believes that the size and use of the subject garage has adversely affected Mr. Walter's quality of life. He also testified that in his opinion, the subject structure is totally inappropriate for this residential neighborhood.

Mr. Samuel Lesight also appeared and testified concerning the subject garage. His testimony revealed that at some time in the past, the previous owner, Mr. Dykes, backfilled around the foundation of the garage so that it would meet the height requirements of the B.C.Z.R. Mr. Lesight stated that the previous owner should not have been permitted to rectify a height problem by building up the ground around the structure itself.

Much of the testimony offered by the individuals opposed to the garage was directed to the building itself. There is no question, and the evidence demonstrates, that this is a rather large garage to be located on a residential property. However, as was noted at the hearing, the Petition as filed does not ask for a ruling as to the legality of the structure itself, rather, it cites four specific areas of concern as to the use

of the structure. I advised the community that any objection to the structure itself should be reserved for another hearing on another day. As to the four specific areas on which I have been asked to rule, I will respond to each in the order in which they were presented within the Petition for Special Hearing.

First, the legality of storing six vehicles and three motorcycles on the subject property has been questioned. Testimony at the hearing revealed that all of the vehicles stored within the garage are the personal property of Messrs. Rachuba and Goldsboro. Testimony demonstrated that they are show vehicles, and, given their value, should be stored within an enclosed structure and not left out in the elements. Further, all of the vehicles are capable of being stored within the garage. Finally, there are no vehicles stored on the site which are not the personal property of the owners. Therefore, I find that the storage of the six automobiles and three motorcycles within the garage on the premises should be permitted.

The next issue to be considered is whether or not these vehicles are commercial in nature. All of the testimony presented demonstrated that these vehicles are not commercial but are expensive, show quality vehicles which are the personal property of the owners and because of their classic nature, must be stored within the subject garage.

I must next consider whether the use of the subject garage serves the residential use of the principal structure, which is the dwelling. I find it to be perfectly acceptable for the individuals who own a residence to be able to store their personal, private, non-commercial vehicles on the premises. I therefore find that the garage in question is serving the residential use of the dwelling on the property.

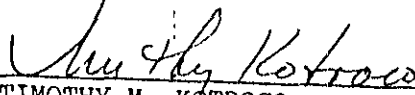
Finally, I must consider whether the storage of these vehicles complies with the restrictions imposed in the Order issued by the Board of Appeals in Case No. 81-60-V, dated May 13, 1982, a copy of which has been attached hereto and marked as Exhibit A. A review of that opinion reveals that there were no restrictions imposed upon this property. I question why the Petition for Special Hearing was worded in that fashion. However, I will review the contents of that Order and opine whether the testimony and evidence offered at the hearing before me is consistent with the dictates of that Order.

After careful review of the Order issued by the Board of Appeals in Case No. 81-60-V, I find that the current use of the garage complies with the terms and conditions of said Order. Furthermore, it is important to note that in their findings, specifically Item No. 5 on Page 2 thereof, the Board found that... "the building does not physically resemble a normal residential garage but is more like a warehouse. The building is 38 feet wide with a 12-foot wide door on one end. The roof has a parapet all the way around. The building just barely meets the height requirements of Section 400.3 of the B.C.Z.R." Many of the residents raised issue with the height of the building. They believe that the height of the building exceeds the height requirements promulgated by the B.C.Z.R. Although I have not been asked to rule on whether the building satisfies the height requirements of the B.C.Z.R., it is to be noted that a determination has already been made by the Board of Appeals, pursuant to their findings on that issue in Case No. 81-60-V and found in Item No. 5 on Page 2 of that Order.

It was clear from the testimony and evidence presented by the residents of the surrounding community that the subject garage is not the

most aesthetically pleasing structure in this neighborhood. Testimony also revealed that the use of this garage has always been questionable and has been the subject of several zoning hearings over the past two decades. However, I have carefully reviewed the testimony and evidence offered at the hearing in this case and find that the property owners are using their garage in conformance with the B.C.Z.R.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of October, 1993, that no violation exists concerning the use of the garage on the subject property, and as such, the Petition for Special Hearing be and is hereby GRANTED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

4517-93

12

EXHIBIT A

IN THE MATTER OF
WARREN DYKES
FOR ALLEGED ZONING VIOLATION
on property located at
104 E. Susquehanna Avenue
9th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 81-60-V
(C-81-13)

OPINION

This case comes before the Board on an appeal from a decision of the Deputy Zoning Commissioner, dated December 22, 1981, ordering that the subject structure is a residential garage, and that the Order in Case #81-60-V, dated September 25, 1980, be enforced. In this context, the only matter before the Board is to decide whether the structure in question is a residential garage or an accessory building, and this was the only testimony taken.

The Board, however, feels it is incumbent upon it to briefly review the case in this Opinion to put the issues in their proper perspective. The original complaint concerned the storage of contractor's equipment in a residential zone and the Order of the Deputy Zoning Commissioner, dated September 25, 1980, found a violation as charged to exist. On appeal to this Board the Defendant admitted to the storage of equipment and requested sixty days in which to sell the property. By Order of January 29, 1981, the Board granted this request and on March 26, 1981, granted an extension of thirty additional days to comply with this Order. This Order was appealed to the Circuit Court, and at this stage the issue was raised as to whether the building in question was a residential garage or an accessory building. The case was remanded to the Deputy Zoning Commissioner to take testimony on this point and an Order, dated December 22, 1981, from the Deputy Zoning Commissioner found it to be a residential garage. It is from this Order that the present appeal to the Board is taken.

The testimony and evidence before the Board produced the following

1. Permit Application #31653 requests a building permit for a garage, but specifically refers to the 40% area requirement under Section 400 for an accessory building.

RECEIVED

MAY 12 1982

2. Plot accompanying Permit #31653 notes the proposed structure to be a concrete block garage, but the plot is drawn specifically to comply with all the requirements of an accessory building under Section 400 of the Baltimore County Zoning Regulations.
3. Section 101 of the Baltimore County Zoning Regulations defines a residential garage as an accessory building.
4. Section 101 of the Baltimore County Zoning Regulations defines an accessory building and an accessory use as being tied together.
5. The building physically does not resemble the normal residential garage but is more like a warehouse. The front of the building is 38 feet long with just a 12 foot wide door on one end. The roof has a parapet all the way around it. The building just barely stays within the height requirements of Section 400.3.

After consideration of all of the above, the Board is of the opinion that this structure is more an accessory building than a residential garage. Section 101.1.A.14 describes accessory uses in D.R. zones. The Board can find nothing in this Section that would remotely permit any commercial use of an accessory building in a residential zone. Section 101 describes accessory use or structure thus: "A use or structure which--(a) is customarily incident and subordinate to and serves a principal use or structure, . . ." In this case the principal use and structure is the residence on the property, and the use of this accessory building can only serve the residential use of the principal structure. Items (b), (c), and (d) of this Section all refer to this same requirement, that use of the accessory building be determined by the use of the principal building, in this case the residence to which it is an accessory. In this context one commercial vehicle may be housed in this building but no other contractor's equipment can be stored in this D.R. zone, whether the building is an accessory building or a residential garage. Accessory use of this accessory building must strictly complement the permitted use of the principal building, which is a residence.

WARREN DYKES - 81-60-V

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of May, 1982, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated December 22, 1981, be REVERSED, and that the subject structure be found an accessory building to a residence in a D.R. 5.5 zone.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hacken
William T. Hacken, Chairman

LeRoy S. Spitzer
LeRoy S. Spitzer

Patricia Phipps
Patricia Phipps

AFFIDAVIT

This is to certify that I, Kay Ackerman of 31 Willow Ave., Towson, Md. 21286, have lived at this address since 1945 and since my home is directly across the street from 24 Willow Ave. I remember the previous owner of that property, Mrs. Marie Kimball, who lived on the first floor of number 24 Willow and who rented the other floors(at least three apartments). This use has continued much the same from then until the present time without interruption.

Kay M Ackerman
KAY ACKERMAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to Wit:

I hereby certify that on the 14th day of September, 1993, before me, the subscriber, a NOTARY PUBLIC of the State of Maryland, in and for the county of Baltimore, personally appeared Kay Ackerman, and made oath in due form of law that the matters and facts set forth in the Affidavit are true to the best of her knowledge, information and belief.

AS WITNESS, my hand and Notarial Seal.

Cynthia A. Wynn
Cindy Wynn
NOTARY PUBLIC

My COMMISSION expires 12-1-94

NOTARY PUBLIC
My Commission Expires 12-1-94
CYNTHIA A. WYNN
NOTARY PUBLIC STATE OF MARYLAND

Re: Property at 24 Willow Avenue, Towson, Maryland 21286, owned by Raymond H. Mathews of 4922 Carroll Manor Rd. , Baldwin, Md. 21013.

**PETITIONER'S
EXHIBIT NO. 3A**

AFFIDAVIT

This is to certify that I, Dennis L. Mathews
of 7 Willow Avenue, Towson, Md., purchased 24 Willow Ave. in
1979 as an apartment building from the previous owner and con-
tinued to rent it as a seven/nine unit building from thenceforth
until the time of its sale in July 1992 to Raymond H. Mathews and
Mary W. Mathews (Wife). This use has continued much the same from
then until the present time without interruption.

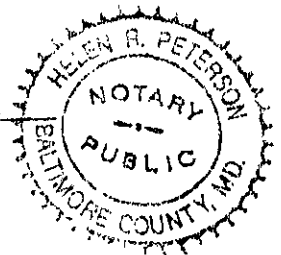
Dennis L. Mathews
Dennis L. Mathews

STATE OF MARYLAND, COUNTY OF BALTIMORE. ss Wlt:

I hereby certify that on the 18th day of March,
1994, before me, the subscriber, a NOTARY PUBLIC of the State of
Maryland, in and for the County of Baltimore, personally appeared
DENNIS L. MATHEWS, and made oath in the
form of law that the matters and facts set forth in the affidavit
are true to the best of their knowledge, information and belief.

AS WITNESS, my hand and Notarial Seal.

Helen R. Peterson
NOTARY PUBLIC



MY COMMISSION EXPIRES 4-1-98

Re: Property at 24 willow Avenue, Towson, Maryland 21286, owned by
Raymond H. Mathews and Mary W. Mathews of 4922 Carroll Manor
Road, Baldwin, Md. 21013.

AFFIDAVIT

This is to certify that I, Jesse Robert Sachse of 807 Trafalgar Road, Towson, MD, lived with my mother, Maria Kimball, at the address 24 Willow Ave. from 1928 to 1939, and visited my mother thereafter until the building was sold in 1979 to John W. Bereska and Carolyn R. Bereska (Wife), and to Dennis L. Mathews and Mary A. Mathews (Wife), who continued to use the building as four or more apartments thereafter. The building was used as a two or three unit dwelling when I lived there. This dwelling use has continued much the same from then until the present time.

Jesse R. Sachse
Jesse Robert Sachse

STATE OF MARYLAND, COUNTY OF BALTIMORE, to Wit:

I hereby certify that on the 25 day of July, 1994, before me, the subscriber, a NOTARY PUBLIC of the State of Maryland, in and for the County of Baltimore, personally appeared _____, and made oath in due form of law that the matters and facts set forth in the Affidavit are true to the best of his knowledge, information and belief.

AS WITNESS, my hand and Notarial Seal.

Joyce M. M.
NOTARY PUBLIC

My Commission expires _____

Re: Property at 24 Willow Avenue, Towson, MD 21286, owned by Raymond H. and Mary W. Mathews of 4922 Carroll Manor Road, Baldwin, MD 21013



Telephone No. - 823-7636

3C

AFFIDAVIT

This is to certify that I, Marie Westfall of 5 Willow Ave., Towson, Md. 21286, have lived at this address since 1945 and since my home is directly across the street from 24 Willow Ave. I remember the previous owner of that property, Mrs. Marie Kimball, who lived on the first floor of number 24 Willow and who rented the other floors (at least three apartments). This use has continued much the same from then until the present time without interruption.

Marie Westfall
MARIE WESTFALL

STATE OF MARYLAND, COUNTY OF BALTIMORE, to Wit:

I hereby certify that on the 14th day of September, 1993, before me, the subscriber, a NOTARY PUBLIC of the State of Maryland, in and for the county of Baltimore, personally appeared Marie Westfall, and made oath in due form of law that the matters and facts set forth in the Affidavit are true to the best of her knowledge, information and belief.

AS WITNESS, my hand and Notarial Seal.

Cynthia A. Wynn
Cindy Wynn
NOTARY PUBLIC

CYNTHIA ANN WYNN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 1, 1994

My Commission expires 12-1-94

Re: Property at 24 Willow Avenue, Towson, Maryland 21286, owned by Raymond H. Mathews of 4922 Carroll Manor Rd., Baldwin, Maryland 21013.

AFFIDAVIT

Est. Exp #1

This is to certify that I, Jesse Robert Sachse of 807 Trafalgar Road, Towson, MD, lived with my mother, Maria Kimball, at the address 24 Willow Ave. from 1920 to 1939, and visited my mother thereafter until the building was sold in 1979 to John W. Bereska and Carolyn R. Bereska (Wife), and to Dennis L. Mathews and Mary A. Mathews (Wife), who continued to use the building as four or more apartments thereafter. The building was used as a two or three unit dwelling when I lived there. This dwelling use has continued much the same from then until the present time.

Jesse R. Sachse
Jesse Robert Sachse

STATE OF MARYLAND, COUNTY OF BALTIMORE, to Wit:

I hereby certify that on the 25 day of July, 1994, before me, the subscriber, a NOTARY PUBLIC of the State of Maryland, in and for the County of Baltimore, personally appeared Jesse Robert Sachse, and made oath in due form of law that the matters and facts set forth in the Affidavit are true to the best of his knowledge, information and belief.

AS WITNESS, my hand and Notarial Seal.

Joyce M. Oll
NOTARY PUBLIC

My Commission expires 1996

Re: Property at 24 Willow Avenue, Towson, MD 21286, owned by Raymond H. and Mary W. Mathews of 4922 Carroll Manor Road, Baldwin, MD 21013



Telephone No. - 823-7636

Ent. Eph #2

AFFIDAVIT

This is to certify that I, Marie Westfall of 5 Willow Ave., Towson, Md. 21286, have lived at this address since 1945 and since my home is directly across the street from 24 Willow Ave. I remember the previous owner of that property, Mrs. Marie Kimball, who lived on the first floor of number 24 Willow and who rented the other floors (at least three apartments). This use has continued much the same from then until the present time without interruption.

Marie Westfall
MARIE WESTFALL

STATE OF MARYLAND, COUNTY OF BALTIMORE, to Wit:

I hereby certify that on the 14th day of September, 1993, before me, the subscriber, a NOTARY PUBLIC of the State of Maryland, in and for the county of Baltimore, personally appeared Marie Westfall, and made oath in due form of law that the matters and facts set forth in the Affidavit are true to the best of his knowledge, information and belief.

AS WITNESS, my hand and Notarial Seal.

Cynthia A. Wynn
Cindy Wynn
NOTARY PUBLIC

CYNTHIA ANN WYNN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 1, 1994

My Commission expires 12-1-94

Re: Property at 24 Willow Avenue, Towson, Maryland 21286, owned by Raymond H. Mathews of 4922 Carroll Manor Rd., Baldwin, Maryland 21013.

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AFFIDAVIT

Cert. Exh #3

This is to certify that I, Kay Ackerman of 31 Willow Ave., Towson, Md. 21286, have lived at this address since 1945 and since my home is directly across the street from 24 Willow Ave. I remember the previous owner of that property, Mrs. Marie Kimball, who lived on the first floor of number 24 Willow and who rented the other floors(at least three apartments). This use has continued much the same from then until the present time without interruption.

Kay M Ackerman
KAY ACKERMAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to Wit:

I hereby certify that on the 14th day of September, 1993, before me, the subscriber, a NOTARY PUBLIC of the State of Maryland, in and for the county of Baltimore, personally appeared Kay Ackerman, and made oath in due form of law that the matters and facts set forth in the Affidavit are true to the best of her knowledge, information and belief.

AS WITNESS, my hand and Notarial Seal.

Cynthia A. Wynn
Cindy Wynn
NOTARY PUBLIC

My COMMISSION expires 12-1-94

CYNTHIA ANN WYNN
NOTARY PUBLIC
My Commission Expires December 1, 1994
CYNTHIA ANN WYNN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 1, 1994

Re: Property at 24 Willow Avenue, Towson, Maryland 21286, owned by Raymond H. Mathews of 4922 Carroll Manor Rd. , Baldwin, Md. 21013.

APPIDAVIT

Let. E4h #4

This is to certify that I, Dennis L. Mathews
of 7 Willow Avenue, Towson, Md., purchased 24 Willow Ave. in
1979 as an apartment building from the previous owner and con-
tinued to rent it as a seven/nine unit building from thenceforth
until the time of its sale in July 1992 to Raymond H. Mathews and
Mary W. Mathews (Wife). This use has continued much the same from
then until the present time without interruption.

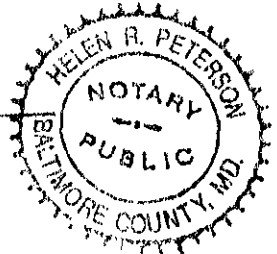
Dennis L. Mathews
Dennis L. Mathews

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify that on the 18th day of March,
1994, before me, the subscriber, a NOTARY PUBLIC of the State of
Maryland, in and for the County of Baltimore, personally appeared
DENNIS L. MATHEWS, and made oath in due
form of law that the matters and facts set forth in the Affidavit
are true to the best of their knowledge, information and belief.

AS WITNESS, my hand and Notarial Seal.

Helen R. Peterson
NOTARY PUBLIC

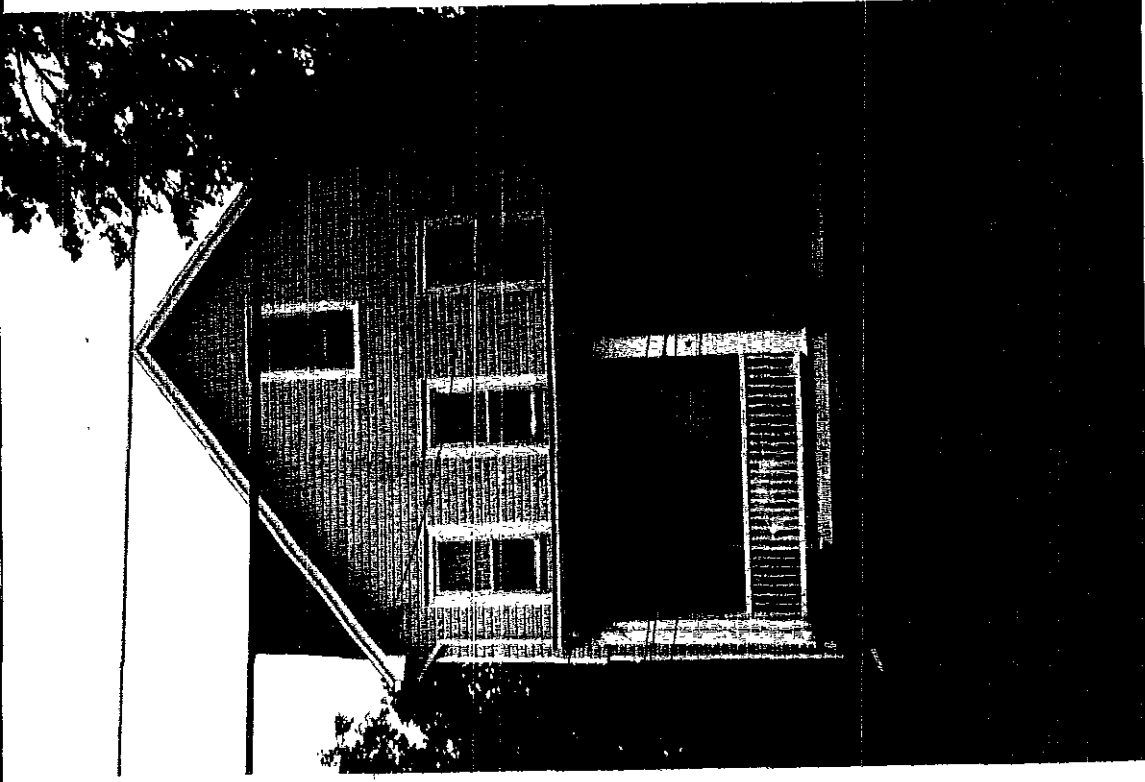


MY COMMISSION EXPIRES 4-1-98

Re: Property at 24 willow Avenue, Towson, Maryland 21286, owned by
Raymond H. Mathews and Mary W. Mathews of 4922 Carroll Manor
Road, Baldwin, Md. 21013.



A. Property to east on S/5
Willow Ave. - #24



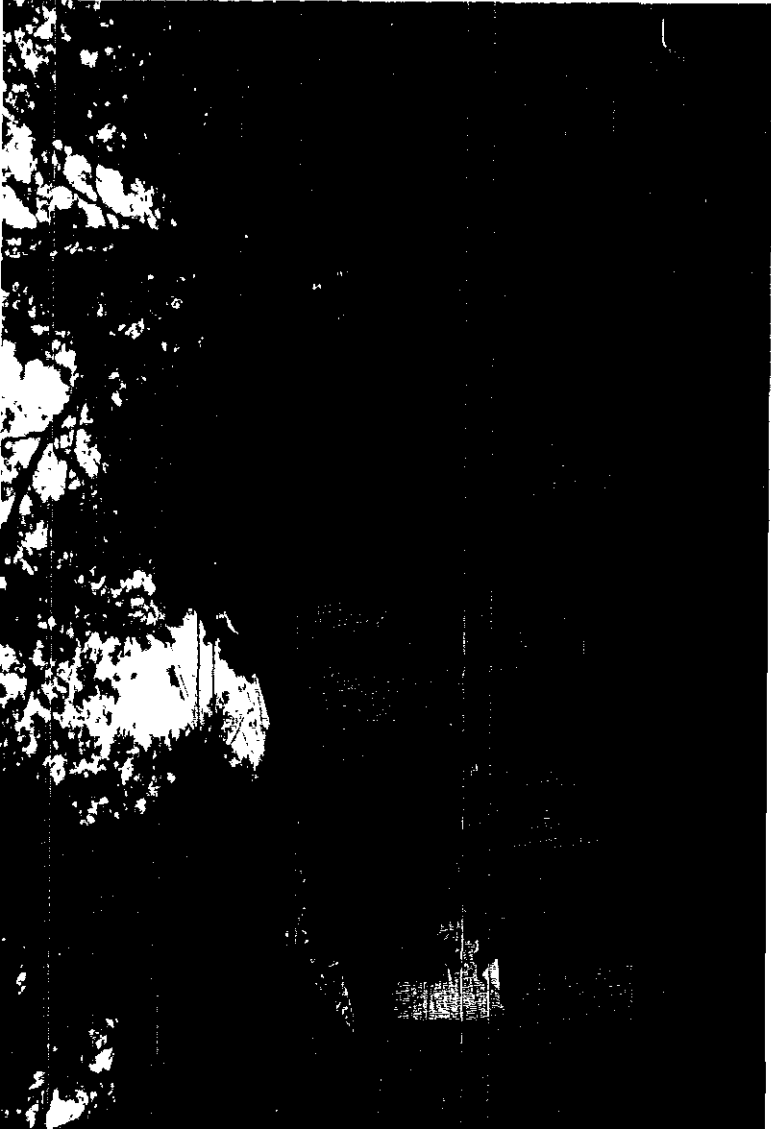
B. Subject property on S/5
of Willow Ave.



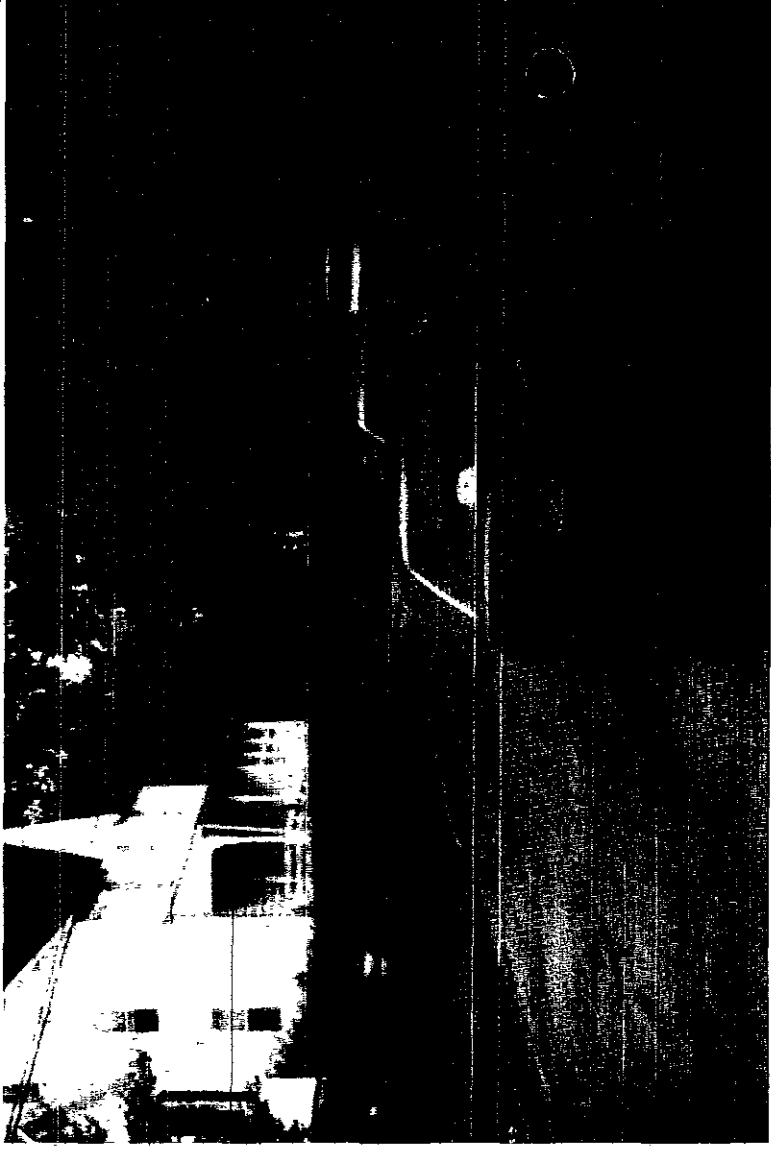
C. Property on S/5
Willow Ave.

PETITIONER'S EXHIBIT NO. 2

Matthew's Property
24 Willow Ave.
Case No. 95-14-SPH



D. Property to W on 5/5 of Willow Ave...
22



E. Looking E on Willow in front of
property.

PETITIONER'S
EXHIBIT NO. 2

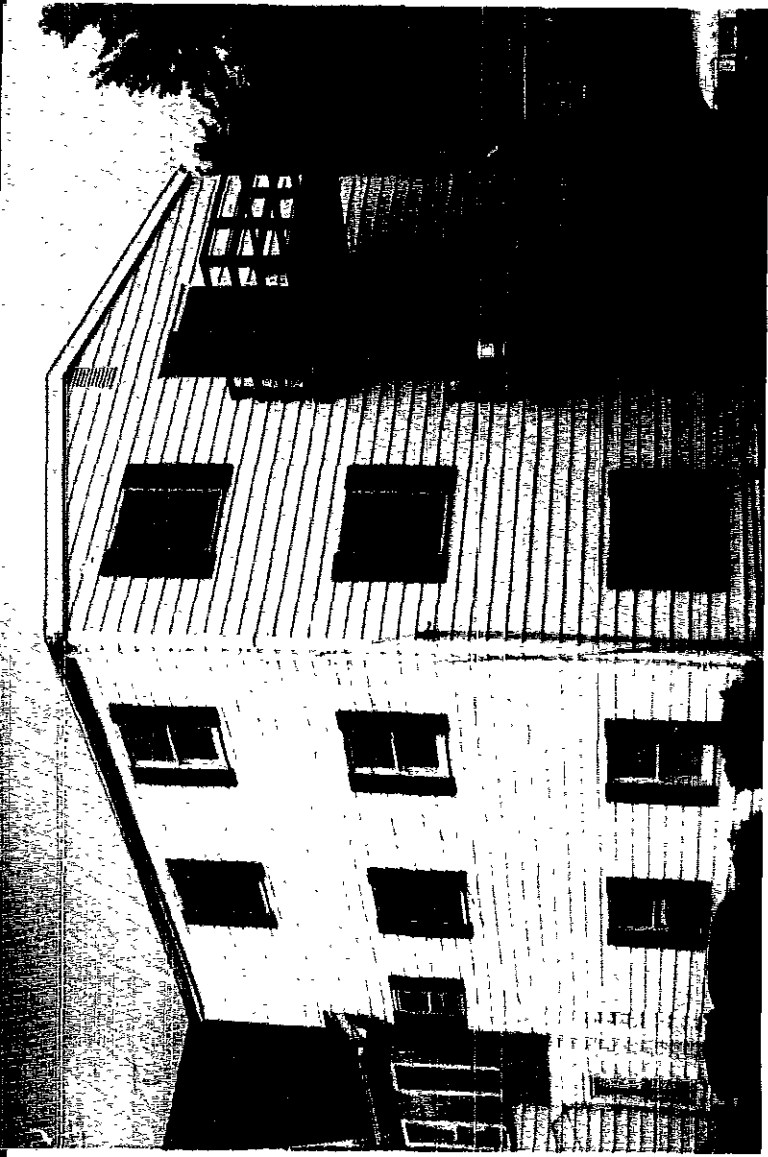


F. Looking W on York Rd in front of Property.



G. W/5 of 24 Willow from South

PETITIONER'S
EXHIBIT NO. 2



H, W/S and Rear of Willow (24) from SW.

SECRET NO. 2

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
Building #24 Willow Avenue, 9th Election District

Raymond and Mary Mathews, Petitioners

SUPPORT OF SURROUNDING NEIGHBORS FOR PERMISSION TO HAVE THREE
APARTMENTS AND CARETAKER'S QUARTERS AT 24 WILLOW AVENUE.

To: Zoning Commissioner:


The building known as 24 Willow Avenue, Towson, Md. 21286, lies in the high density DR-16 zone within one-half block of commercial properties along York Road and Towsontown Blvd.

This property at 24 Willow Avenue (with off street parking) has been used as a 7 to 9 unit apartment building for the past 15 years and as an aptment building for many decades prior to the past 15 year period.

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Signed,



Printed Name: Cathy Nichols

Residing at:

40 York Road

CASA MIA

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
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Signed, Maureen Greim

Printed Name: Maureen Greim

Residing at: 253 Ridge Ave
Towson, MD 21286

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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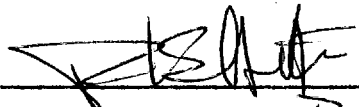
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C
Signed, 

Printed Name: ROGER L. ELLIOTT

~~Residing at:~~ OWNER 143 Willow

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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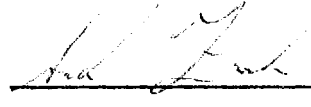
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Signed, 

Printed Name: SASHA ZAVALA

Residing at: 3 Willow Ave

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
Building #24 Willow Avenue, 9th Election District

Raymond and Mary Mathews, Petitioners

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Signed, Mrs. M. Westfall
Printed Name: Maria Westfall
Residing at: 5 Willow Ave. Towson

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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C
Signed, *Donnis Mathews*
Printed Name: DONNIS MATHEWS
Residing at: 7 Willow Ave
TOWSON, MD. 21286

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
Building #24 Willow Avenue, 9th Election District

Raymond and Mary Mathews, Petitioners

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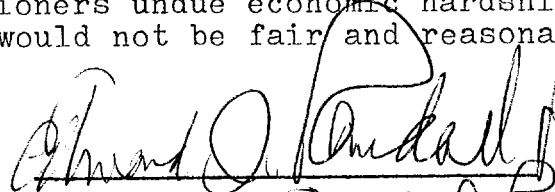
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Signed, 

Printed Name: EDWARD O. RANDALL JR

OWNER OF
Residing at: 14 WILLOW AVE

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
Building #24 Willow Avenue, 9th Election District

Raymond and Mary Mathews, Petitioners

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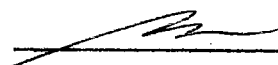
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Signed, 

Printed Name: G. Brown

^{Owner}
Residing at: 16 Willow Ave 21286

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
Building #24 Willow Avenue, 9th Election District

Raymond and Mary Mathews, Petitioners

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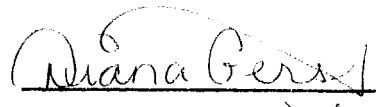
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Signed, 

Printed Name: DIANA GERST

Residing at: 20 Willow Ave.

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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C.
Signed, Ken Gerst

Printed Name: Ken Gerst

Residing at: 20 Willow Ave.

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
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S/S Willow Avenue - less than one-half block east of York Road
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Signed, Raymond Mathews

Printed Name: _____

Residing at: 24 Willow Ave.

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
Building #24 Willow Avenue, 9th Election District

Raymond and Mary Mathews, Petitioners

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Signed,

Tracy Kerlin
Printed Name: TRACY KERLIN

Residing at: 29 Willow Ave.

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
Building #24 Willow Avenue, 9th Election District

Raymond and Mary Mathews, Petitioners

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Signed, *Art Cate*

Printed Name: Art Cammarata

Residing at: 29 Willow Towson, Md.

21209

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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Kath M. Ackerman

Signed, _____

Printed Name: KATH M. ACKERMAN

Residing at: 31 WILLOW AVE.

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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Signed, *Ernest W. Brooks*

Printed Name: ERNEST W. BROOKS

Residing at: 1 Linden Terrace

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
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Signed, Grace E. Mathews

Printed Name: GRACE E. MATHEWS

Residing at: #8 LINDEN TERRACE

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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Signed, *G. Brown*

Printed Name: G. Brown

^{Owner}
Residing at: #9 Linden 21206

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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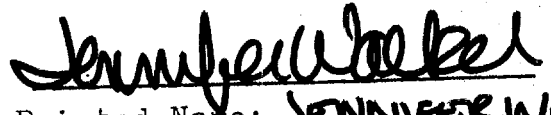
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Signed,



Printed Name: JENNIFER WALKER

Residing at: 11 LINDEN

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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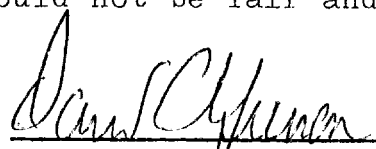
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Signed, 

Printed Name: Daniel A Meenan

Residing at: 12 Linden Terrace #5

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
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S/S Willow Avenue - less than one-half block east of York Road
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C
Signed, A. B. Leedy
Printed Name: A. B. Leedy
Residing at: 13 Linden Terrace

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
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To: Zoning Commissioner:

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This property at 24 Willow Avenue (with off street parking) has been used as a 7 to 9 unit apartment building for the past 15 years and as an aptment building for many decades prior to the past 15 year period.

The current owners (since July 1992) have proposed to retain three apartments and convert the remainder of the property to a caretaker's quarters.

We have no objection to the zoning variance requested for the continued use of the 24 Willow Avenue property as a 3 (three) apartment building and caretaker's quarters. We feel to deny such a variance would present the petitioners undue economic hardship and practical difficulty and thus would not be fair and reasonable.

Signed, May Maddox
Printed Name: May Maddox
Residing at: 14 1/2 ~~WILLOW~~ TOWSON

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
Petition for Zoning Variance
S/S Willow Avenue - less than one-half block east of York Road
Building #24 Willow Avenue, 9th Election District

Raymond and Mary Mathews, Petitioners

SUPPORT OF SURROUNDING NEIGHBORS FOR PERMISSION TO HAVE THREE
APARTMENTS AND CARETAKER'S QUARTERS AT 24 WILLOW AVENUE.

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Signed, W. Mathews

Printed Name: William Mathews

owner
Residing at: 15 Linden

February 19, 1995

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C
Signed, _____

Printed Name: ~~Ray~~ William H. Mathews

Residing at: _____

17 Linden

February 19, 1995

Re: Baltimore County Zoning Case #C-93-2751
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Signed,

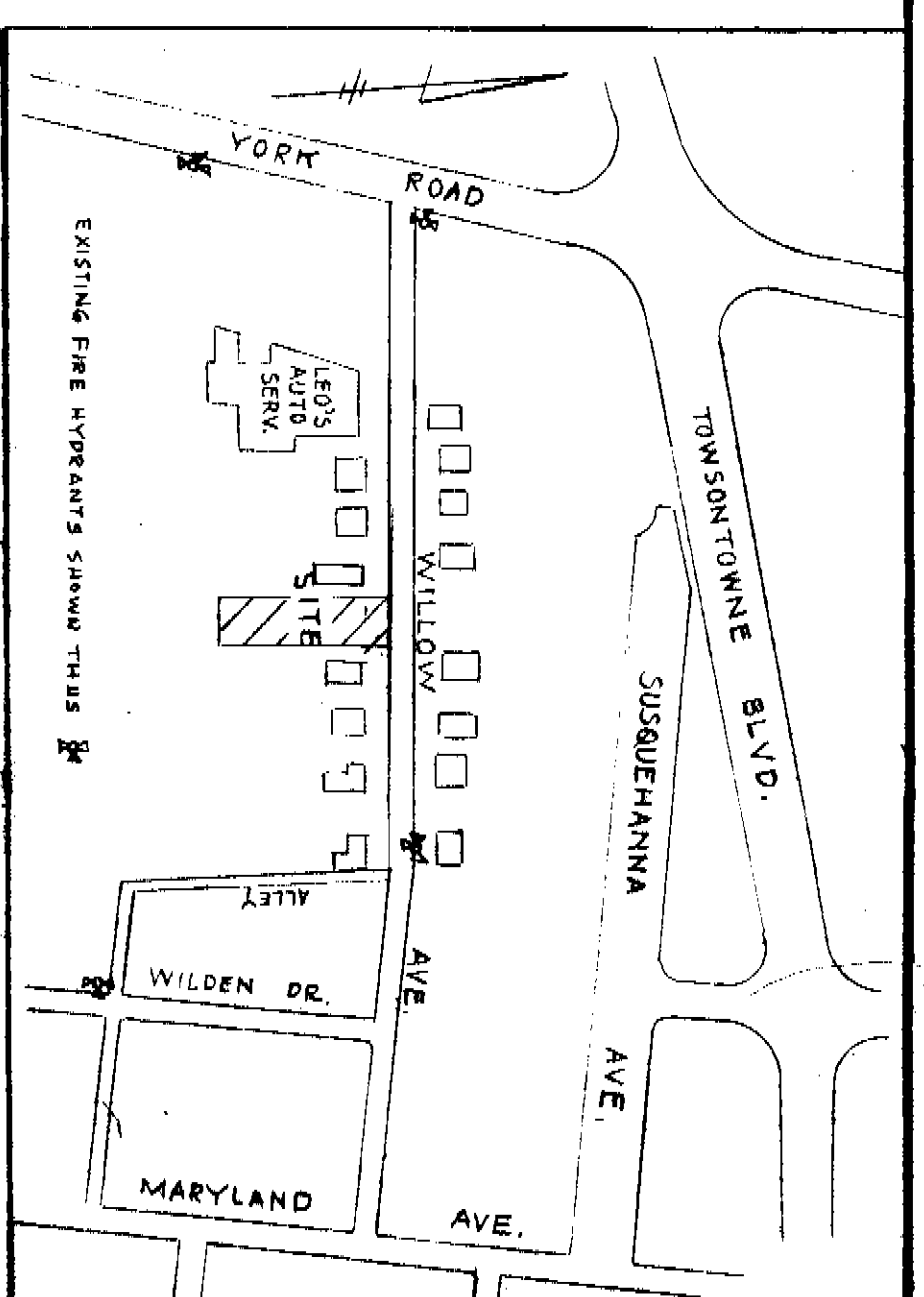
Kim Tamarin

Printed Name: Kim Tamarin

Residing at: 263 Linden Ave

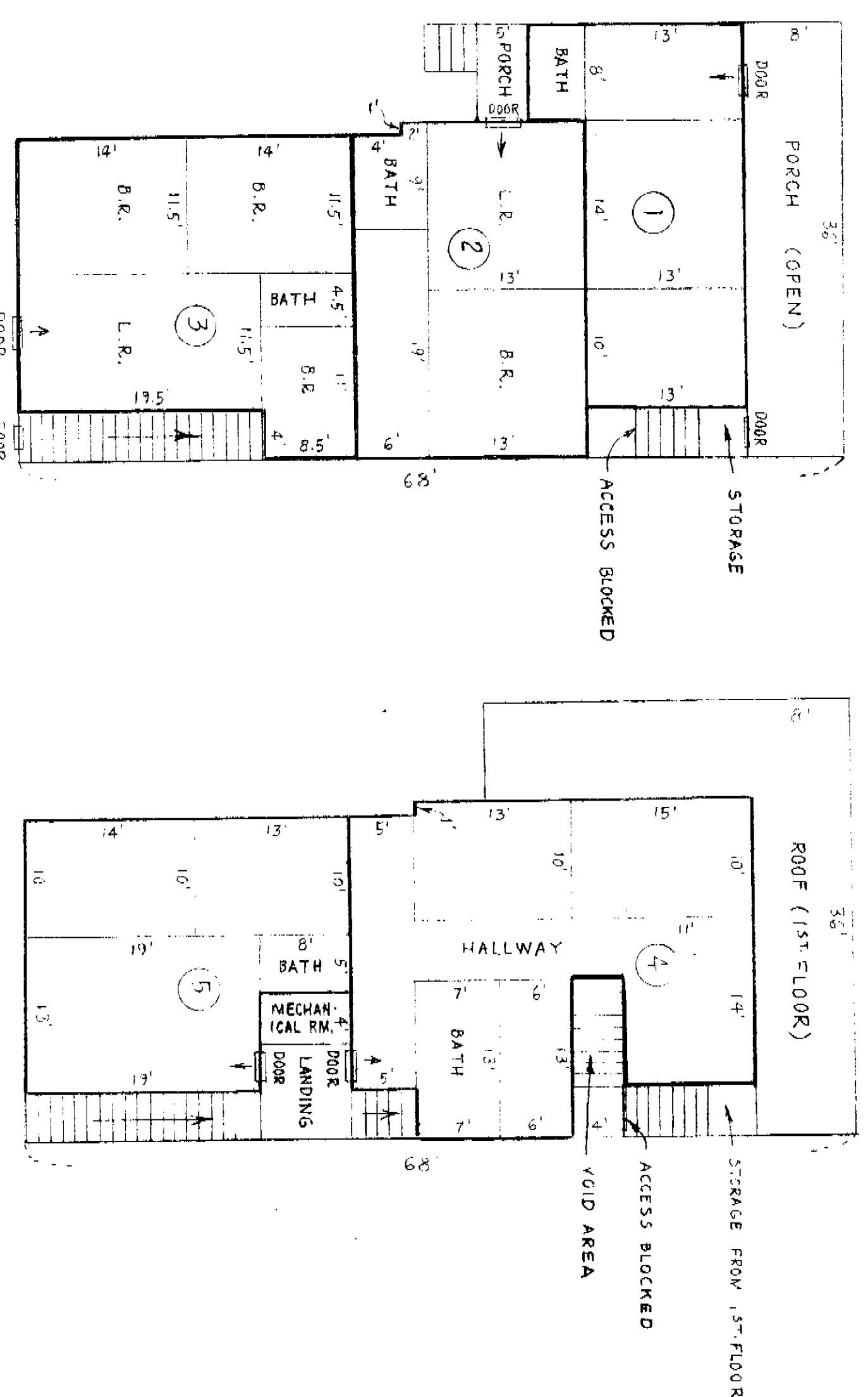
TOWSON H ROOM 48
OLD COURT HOUSE
400 WASH AVE

95-14-SPH

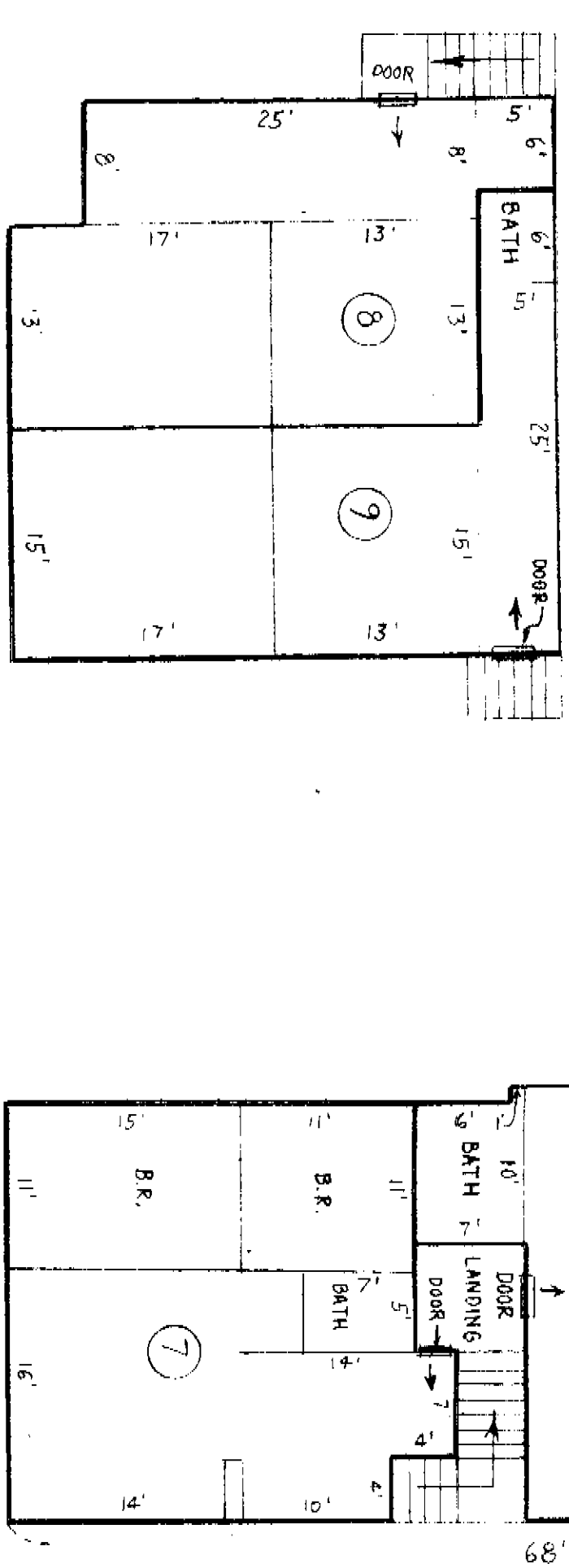


VICINITY MAP
SCALE: 1"=200'

- DENSITY CALCULATIONS
1. PROPERTY ZONED - D.R.16
 2. GROSS AREA = 0.224 AC. ±
 3. NET AREA = 0.201 AC. ±
 4. GROSS 0.224 x 16 = 3.6 DENSITY UNITS ALLOWED
 5. NET 0.201 x 16 = 3.2 DENSITY UNITS ALLOWED
 6. EXISTING USE: 9 APARTMENTS
 7. PROPOSED USE: 9 APARTMENTS

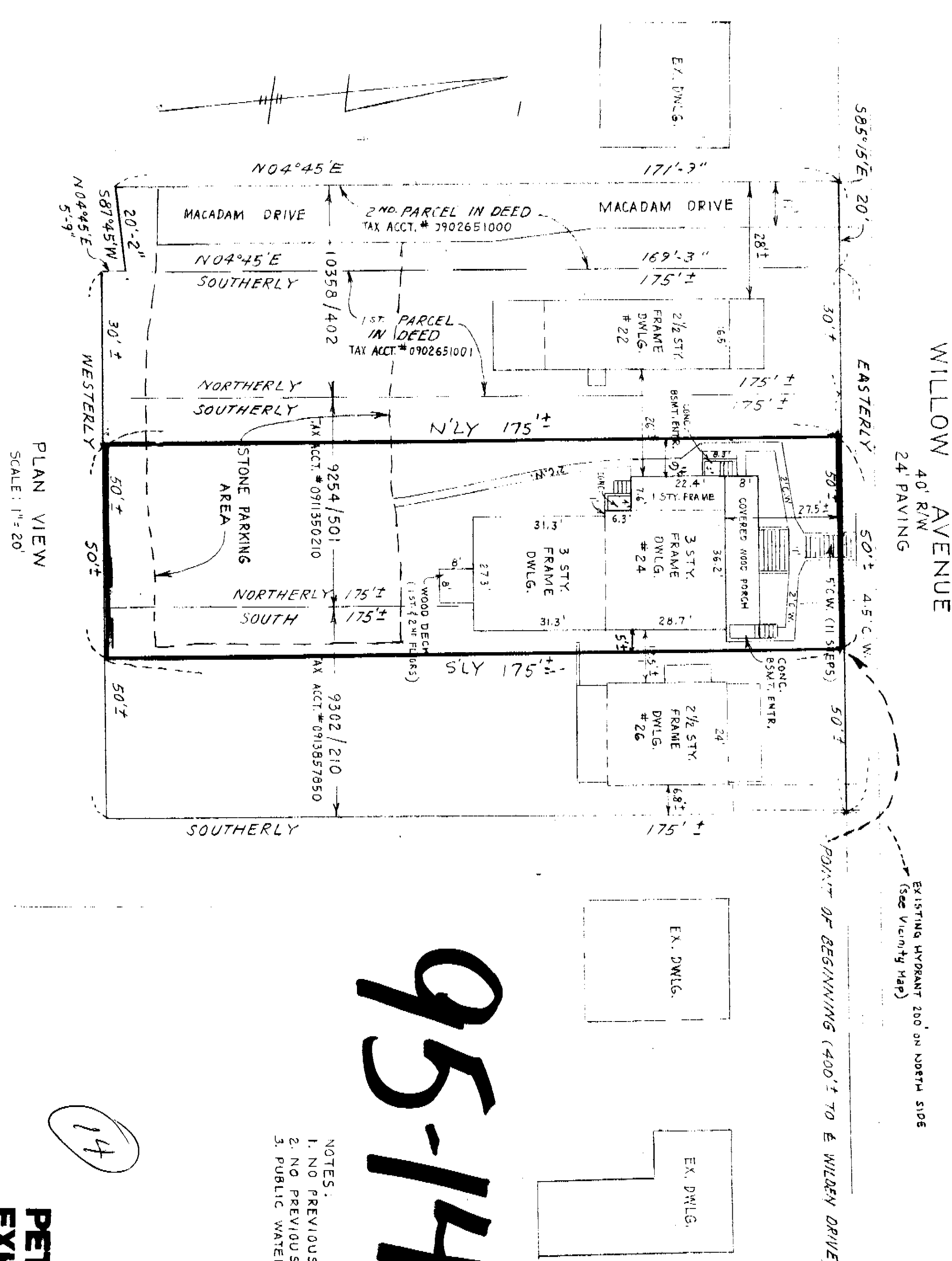


SECOND FLOOR
SCALE: 1"=10'



BASEMENT
SCALE: 1"=10'

THIRD FLOOR
SCALE: 1"=10'



95-14-SPH

- NOTES:
1. NO PREVIOUS COMMERCIAL PERMITS.
 2. NO PREVIOUS ZONING HEARINGS.
 3. PUBLIC WATER, SEWER EXISTS IN ROAD.

PETTONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING

OWNER:
MR. & MRS. RAY MATTHEWS
4922 CARROLL MANOR ROAD
BALDWIN, MARYLAND 21013

REVIEWED BY	DATE	CASE #
14	14	94-7466

TIMORE COUNTY PLANNING AND ZONING AL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
TOWSON

SHEET
N.E.
10-A

William A. Howard IV
Chairman, County Council

**PLANNERS
EXHIBIT NO. 4**

